

EXHIBIT 2

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,)
)
Plaintiff,)
)
vs.) Case Nos.
) 1:19-cv-12551-FDS
GOOGLE LLC,)
)
Defendant.)
)

*** [REDACTED] ***

REMOTE VIDEO DEPOSITION OF
DR. SUNIL P. KHATRI

DATE TAKEN: MARCH 23, 2023
REPORTED BY: RENEE HARRIS, CSR 14168, CCR, RPR
JOB NO. 5805108
PAGES: 1 - 349

1 these -- the patents, yeah.

2 Q. And did you -- have you reviewed
3 Dr. Walker's rebuttal report?

4 A. No, I have not.

5 Q. You haven't reviewed -- 10:40:37

6 A. This is the -- is this the -- like this
7 is the rebuttal report of Google? Is that what
8 is --

9 Q. Yeah, Dr. Walker is Google's retained
10 expert. 10:40:47

11 A. I haven't looked -- I haven't looked at
12 that. Because in this, in preparation for this
13 deposition, I have looked at my -- my reports,
14 basically.

15 Q. But even outside of preparation for the 10:40:56
16 deposition, have you -- have you looked at
17 Dr. Walker's report?

18 A. No, I haven't.

19 MR. SEEVE: Objection. Asked and
20 answered. 10:41:05

21 And I would just caution the witness not
22 to reveal any communication between, you
23 know, Dr. Khatri and Singular's attorneys.

24 But -- but you can answer.

25 THE WITNESS: I have -- 10:41:14

that two days because one of them is for
first report and one of them is for the
second report.

So that corroborated my opinion -- I mean
all my -- my idea that this deposition was 11:07:02
purely about my two reports.

BY MR. BHANSALI:

Q. Okay. But you also --

A. Because that's what I -- that's what I
said -- that's what I can speak to. 11:07:12

Q. But you're also going to be potentially
testifying at trial in this matter; is that right?

MR. SEEVE: Objection. Calls for
speculation.

THE WITNESS: I couldn't -- I couldn't 11:07:25
answer that because I don't know that's -- if
that's the plans of the attorneys. So I
really wouldn't know if that's the -- if
that's -- if that's going to be expected of
me. 11:07:37

BY MR. BHANSALI:

Q. Okay. Well, have you been engaged to
testify at trial if -- if requested?

MR. SEEVE: Objection. I'd just like to
counsel the witness not to reveal any 11:07:46

1 privileged communications.

2 But you can answer that question.

3 THE WITNESS: So I don't really know
4 right now because it's possible that they
5 decide to switch and go to someone else or to 11:07:57
6 stay with me. But I don't know the answer to
7 that question.

8 BY MR. BHANSALI:

9 Q. Okay. I'm just asking what the scope of
10 your engagement is. Have you been engaged in this 11:08:03
11 matter -- does the scope of your engagement
12 include potentially testimony at trial?

13 MR. SEEVE: Objection. I'm going to
14 instruct the witness not to answer that
15 question. This is -- involves -- 11:08:16

16 MR. BHANSALI: You're claiming privilege
17 over the scope of the expert's engagement? I
18 mean, that's fine, if you want to instruct
19 him not to answer, that's your prerogative.

20 But I just want to make sure we're clear. 11:08:26
21 I'm simply asking him what the scope of his
22 engagement is. If you want to claim
23 privilege on that and instruct him not to
24 answer, that's your prerogative, and we'll
25 address that with the judge. 11:08:36

recall any conversation to that effect.

Q. Okay. So at present, as far as you're aware, you have not entered into an engagement to testify at trial on Singular's behalf?

MR. SEEVE: Objection. Calls for a legal conclusion. 11:09:53

MR. BHANSALI: I'm asking for his understanding.

THE WITNESS: You know, there's this agreement that I signed. I don't know exactly what -- what the agreement said. 11:10:01

But as far as I know, we haven't discussed -- discussed this matter as to whether I'll be representing Singular and Prince Lobel, I suppose, at the trial or not. 11:10:13
I don't know the -- I don't know whether that's going to be the case or not.

BY MR. BHANSALI:

Q. So, then, you haven't evaluated Dr. Walker's report to form any opinions in -- in response to that? 11:10:26

MR. SEEVE: Objection. Vague and ambiguous. Mischaracterizes the witness's testimony.

///

To the extent that this calls for any conversation -- any information about conversations you had with Singular's attorneys, I would instruct you not to answer.

11:11:33

But you can answer the question to the extent it does not.

MR. BHANSALI: Wait a minute, Brian. Let me ask the question differently.

BY MR. BHANSALI:

11:11:38

Q. Outside of any conversations with attorneys, have you been informed of the content of Dr. Walker's report?

A. I have no information about the content of Dr. Walker's report.

11:11:50

Q. Okay. And in the context of conversations with attorneys, have you been informed of the content of Dr. Walker's report?

MR. SEEVE: Objection. I'm going to

instruct the witness not to answer as it relates to the content of conversations that Dr. Khatri has had with attorneys.

11:12:02

BY MR. BHANSALI:

Q. Okay. And I'll ask one more question just to make the record clear here, and this is

11:12:14

looking at. It was on page 18, paragraph 85 of
your report.

A. Yeah.

Q. Okay. So the first part of that
execution unit claim construction refers to a
processing element. 03:06:49

Do you see that?

MR. SEEVE: Objection. Mischaracterizes
the document.

THE WITNESS: So the claim construction
for execution unit says "processing element
comprising an arithmetic circuit paired with
a memory circuit." 03:06:58

So it does include the language
"processing element." 03:07:10

BY MR. BHANSALI:

Q. And do you have an understanding as a
person of ordinary skill in the art of what a
processing element is?

A. So, again, you know, a person of ordinary
skill in the art, reading the entirety of this
claim construction language, because it would
be -- it would be prudent to look at all -- the
entire language altogether, so they would look at
this and read this as a "processing element" 03:07:19
03:07:40

comprising an arithmetic circuit."

So that would inform them that this processing element comprised an arithmetic circuit, of course, and then it also says "paired with a memory circuit."

03:07:52

Q. Apart from it being comprising -- apart from it comprising an arithmetic circuit paired with a memory circuit, do you have an understanding as a person of ordinary skill in the art of what a processing element itself is?

03:08:08

MR. SEEVE: Objection. Calls for a legal conclusion. Vague and ambiguous.

THE WITNESS: So, again, a person of ordinary skill in the art reading this language, you know, when they saw the language "processing element comprising an arithmetic circuit," they would -- you know, they would -- they would make a conclusion that this processing -- this processing element that's described comprises an arithmetic circuit.

03:08:17

03:08:32

And then for -- excuse me, for further sort of edification in terms of what -- what the processing element was, they would refer to, you know, the specification, which is

03:08:45

1 intrinsic evidence that they would first look
2 at, rather than just, you know, apply their
3 own sort of understanding, you know, of what
4 a processing element is or was.

5 Because they would -- you know, the 03:09:02
6 correct way to read this is to be -- you
7 know, to be informed by the -- by the
8 language of the patent, which includes the
9 specification of it.

10 BY MR. BHANSALI: 03:09:15

11 Q. In your report, do you identify any
12 particular part of the patent specification that
13 informs your understanding as a person of ordinary
14 skill in the art of what a processing element is?

15 MR. SEEVE: Objection. Assumes facts not 03:09:28
16 in evidence. Vague and ambiguous.

17 THE WITNESS: May I ask you to repeat the
18 question, please.

19 BY MR. BHANSALI:

20 Q. In your report, do you identify any 03:09:40
21 particular part of the patent specification that
22 informs your understanding as a person of ordinary
23 skill in the art of what a processing element is?

24 MR. SEEVE: Same objections.

25 THE WITNESS: So, you know, in -- in -- 03:09:51

1 if there's -- you know, I mean, to be --

2 let's see.

3 The patent itself is, you know, is -- it

4 does refer to the language, and I can open

5 the patent and be -- to be sure. We do have 03:10:08

6 the patent as one of the exhibits; correct?

7 BY MR. BHANSALI:

8 Q. The patent is Exhibit -- it's Exhibit 9.

9 But, Dr. Khatri, my question was whether

10 your report -- whether your report identifies any 03:10:28

11 particular part of the patent specification that

12 informs your understanding as a person of ordinary

13 skill in the art of what a processing element is.

14 MR. SEEVE: Objection. Assumes facts not

15 in evidence. Vague and ambiguous. Calls for 03:10:43

16 a legal conclusion.

17 THE WITNESS: So I don't recall off the

18 bat if I -- you know, whether I've sort of

19 explained in my report what a processing

20 element is. 03:10:58

21 But I think that, you know, for person of

22 ordinary skill in the art, you know, looking

23 at this claim construction for execution

24 unit, which includes, you know -- which

25 starts with the language "processing 03:11:08

element," if they looked at the patent, they
would find ample disclosure as to what a --
you know, what a processing element would be.

BY MR. BHANSALI:

Q. Okay. And, Dr. Khatri, again, I'm -- I'm 03:11:20
going to -- I am going to stop you here because
I'm not asking to you look at the patent.

MR. SEEVE: Sorry --

MR. BHANSALI: No, no, Brian, I'm not
going to have him testify about the patent 03:11:29
when I asked him a question about his report.

And my question was about the report, and
so I'm going to follow up with a question
about the report.

BY MR. BHANSALI: 03:11:38

Q. Dr. Khatri, do you have a searchable copy
of your report available?

A. I do have a searchable copy of the
report, yes.

Q. If you -- if you can take a minute, could 03:11:46
you search to see if there's any identification in
your report of any particular part of the patent
specification that informs your understanding of
what a processing element is?

MR. SEEVE: Objection. Objection. I -- 03:12:02

construction for execution unit in the
context of the '273 and '156 patents.

BY MR. BHANSALI:

Q. Do you understand the Court to have
construed the term "processing element"? 03:20:15

MR. SEEVE: Objection. Calls for a legal
conclusion. Vague and ambiguous.

THE WITNESS: If I look at the -- if I
look at the -- the claim terms that the Court
has construed, there's four of them: there's 03:20:28
repeated execution, there's low precision and
high dynamic range, there's execution unit,
and then there's a first input signal
representing a numerical value.

So the Court has not construed the term 03:20:44
"processing element." So therefore, a person
of ordinary skill in the art, when they were
reviewing the claim construction of the
Court, they would see the word "processing
element." 03:21:01

And to understand it better, they
would -- they would look at the patent and
any supporting -- I mean, and the -- and the
intrinsic -- and the contents of the patent,
which would mean the figures and the 03:21:14

specification, to inform them further about
what processing element would mean.

And there's a lot of disclosure in the
patent about what a processing element might
mean.

03:21:27

BY MR. BHANSALI:

Q. And so in forming your opinions, your
opinions as to what a processing element means,
was informed by the disclosures of the patent;
correct?

03:21:41

MR. SEEVE: Objection. Vague and
ambiguous.

THE WITNESS: Can you repeat that,
please? I couldn't hear that.

BY MR. BHANSALI:

03:21:47

Q. And so in forming your opinions as to
what a processing element means, your opinions
were informed by the disclosures of the patent; is
that right?

MR. SEEVE: Same objection.

03:21:58

THE WITNESS: So in forming my opinion
about what a processing element means, I
mean, like I said, I've already -- I had
already read the patent, and so I was
informed by what the patent states as to what

03:22:11

1 a processing element is.

2 BY MR. BHANSALI:

3 Q. But your report doesn't disclose what
4 parts of the patent informed your understanding of
5 what the processing element is; is that right? 03:22:29

6 MR. SEEVE: Objection -- sorry, I didn't
7 mean to cut you off there, Asim.

8 If that's the question, then objection.
9 Mischaracterizes the report.

10 Mischaracterizes the witness's prior 03:22:40
11 testimony.

12 THE WITNESS: Can you please repeat the
13 question.

14 BY MR. BHANSALI:

15 Q. Does your report disclose what part of 03:22:45
16 the patent informed your understanding of what a
17 processing element is? That's a yes-or-no
18 question.

19 MR. SEEVE: Same objection.

20 THE WITNESS: Just to be complete, right, 03:23:00
21 so the patent has numerous disclosures about
22 it, and it was -- you know, it was pretty
23 evident from that as to what was meant by
24 processing element.

25 So I didn't need -- I didn't see a need 03:23:11

to describe it in any further detail,
especially because this is an infringement
report, not a report on the details of the
patent.

So it -- my report just described the 03:23:20
patent briefly. For example, if you look
at -- it talks about the patents in -- trying
to remember where I wrote that part.

So the patents are described in just a
brief manner because the patents speak for 03:24:06
themselves. I didn't need -- see a need to
be elaborating profusely on the patents.

But my -- my brief description of the
patents is -- is on -- it starts on page 12.
And -- and it's basically about three pages. 03:24:21
It ends in the middle of page 14.

Again, because -- because the patents
speak for themselves and this is -- this is
an infringement report, I didn't see a need
to be focusing extensively and profusely on 03:24:38
the details of the patent.

BY MR. BHANSALI:

Q. Is it your understanding that the
specification of the patents teaches that a
processing element is a tangible object? 03:24:54

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